

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 ACDA-07 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 COME-00 DLOS-06 DODE-00 DOTE-00
EB-08 EPA-01 ERDA-05 FEAE-00 FMC-01 TRSE-00 H-01
INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05
NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15
USIA-06 SAL-01 SAJ-01 /121 W
-----281913 076717 /41

P R 281832Z FEB 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 6013
INFO USMISSION EC BRUSSELS PRIORITY
USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 03615

E.O. 11652: GDS
TAGS: PFOR PGOV EEC WB GW US UR FR UK
SUBJECT: INCLUSION OF BERLIN IN EC/SOVIET FISHERIES
AGREEMENT

REF: BONN 3537

BEGIN SUMMARY. THE BRITISH AND FRENCH HAVE AGREED TO
THE FRG COMPROMISE PROPOSAL FOR ASSURING THE INCLUSION
OF BERLIN IN THE EC/SOVIET FISHERIES AGREEMENT. THE
BONN GROUP HAS RECOMMENDED A SCENARIO FOR HANDLING THE
MENTION OF BERLIN IN THE FIRST INSTANCE IN
NEGOTIATIONS WITH THE SOVIETS. END SUMMARY.

1. IN THE FEBRUARY 28 BONN GROUP MEETING, THE FRG REP
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(HENZE) PRESENTED THE GERMAN COMPROMISE POSITION AS
OUTLINED IN PARAS 2 AND 3 OF REFTEL. IN EXPLAINING
GENSCHER'S DECISION ON A COMPROMISE, HENZE REITERATED
THAT IT WOULD BE ESSENTIAL TO BEAR IN MIND WHAT THE
FEDERAL GOVERNMENT WOULD SAY IN RESPONSE TO THE
INEVITABLE QUESTIONS IN THE BUNDESTAG. IN THE LIGHT
OF THE BONN GROUP DISCUSSIONS, GENSCHER FELT THAT THE

GOVERNMENT SPOKESMAN WOULD BE ABLE TO SAY THAT THE PROBLEM HAD BEEN DISCUSSED WITH THE THREE ALLIES AND THAT THE SOLUTION CHOSEN MET WITH THE APPROVAL OF THE THREE ALLIES, WHO HAD DECIDED THAT THE FORMULA USED WAS SUFFICIENT TO ASSURE THE INCLUSION OF BERLIN IN THE AGREEMENT.

2. HITCH (UK) AND BOISSIEU (FRANCE) STATED THAT THE COMPROMISE PROPOSAL WAS ACCEPTABLE TO THEIR RESPECTIVE CAPITALS. US REP STATED HE WAS CERTAIN THAT IT WOULD ALSO BE ACCEPTABLE TO US.

3. HENZE THEN DISTRIBUTED A PAPER CONTAINING A SCENARIO FOR USE BY THE EC NEGOTIATOR IN EXPLAINING THAT THE AREA OF APPLICATION CLAUSE EXPRESSED THE EC POSITION ON BERLIN. THE SCENARIO ALSO CONTAINED DRAFT CONTINGENCY STATEMENTS FOR USE IN THE EVENT OF UNFAVORABLE SOVIET REACTIONS. HENZE SAID THE FRG HAD AN OPEN MIND ON THE QUESTION OF WHETHER BERLIN SHOULD BE MENTIONED BEFORE OR AFTER THE SOVIETS HAD BEEN GIVEN THE TEXT OF THE AREA OF APPLICATION CLAUSE.

4. HITCH OBJECTED TO THE RATHER DETAILED SCENARIO, AND PARTICULARLY TO THE CONTINGENCY STATEMENT WHICH WOULD EXPRESS FULLY THE ALLIED AND FRG POSITION ON BERLIN'S RELATIONSHIP TO THE EC. ALL THAT LONDON HAD APPROVED WAS A SIMPLE REFERENCE TO BERLIN IN A CONVERSATION ON THE MARGINS OF THE NEGOTIATIONS: THE FULL SCENARIO PROPOSED BY HENZE WOULD REQUIRE HIGH-LEVEL CLEARANCES
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IN LONDON. HE DID NOT REJECT THE IDEA OF HAVING SUCH A CONTINGENCY STATEMENT FOR WORST CASE USE, BUT WOULD WISH TO BE CERTAIN THAT THE EC NEGOTIATOR WAS NOT TOO TRIGGER HAPPY.

5. HENZE STRESSED THAT THE FRG HAD NO INTEREST IN TORPEDOING THE AGREEMENT AND BELIEVED THAT WE SHOULD DO OUR BEST TO AVOID THAT. HE POINTED OUT, HOWEVER, THAT IT WAS IMPOSSIBLE TO EXPECT THE EC NEGOTIATOR TO KNOW THE ANSWERS TO POSSIBLE SOVIET STATEMENTS CONCERNING BERLIN AND BELIEVED IT NECESSARY TO PREPARE HIM ADEQUATELY. HITCH THOUGHT IT MIGHT BE BETTER, IF THE SOVIETS MADE A FULL STATEMENT ON BERLIN, TO BREAK OFF THE NEGOTIATIONS FOR A DAY OR TWO WHILE THE BONN GROUP CONSIDERED A POSSIBLE REPLY AND THE EC AS A WHOLE ASSESSED SOVIET TACTICS.

6. AFTER LENGTHY DISCUSSION, THE BONN GROUP AGREED TO RECOMMEND THE FOLLOWING SCENARIO:

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 03615

A. THE AREA OF APPLICATION CLAUSE (APPARENTLY
NOW PLACED AS ARTICLE 11 IN THE TREATY) WOULD BE
REWORDED TO READ AS IN PARA 2, REFTEL.

B. THERE WOULD BE NO SUPPLEMENTARY INTERPRETATIVE
STATEMENT.

C. AFTER THE SOVIETS HAVE BEEN GIVEN THE DRAFT
OF ARTICLE 11, THE EC NEGOTIATOR WOULD STATE TO THE
SOVIET NEGOTIATOR, ON THE MARGINS OF THE NEGOTIATIONS:
"THIS CLAUSE REFLECTS THE WELL-KNOWN POSITION OF THE
COMMUNITY ON BERLIN."
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D. IF THE SOVIETS EXPRESS THEIR OWN VIEW ON BERLIN, OR ASK WHETHER ARTICLE 11 IS MEANT TO REFER TO BERLIN, BEFORE THE EC NEGOTIATOR HAS CARRIED OUT STEP (C) ABOVE, THE EC NEGOTIATOR WILL MAKE THE FOLLOWING STATEMENT:

"THIS ARTICLE REFLECTS THE WELL-KNOWN POSITION OF THE COMMUNITY ON BERLIN. I DO NOT THINK THAT THIS SHOULD BE A MATTER FOR DISCUSSION BETWEEN THE COMMUNITY AND THE USSR IN THE COURSE OF THESE NEGOTIATIONS."

E. ANY SOVIET REACTION EITHER TO THE TEXT OF ARTICLE 11 OR TO THE STATEMENT BY THE EC NEGOTIATOR IN PARA (C) OR PARA (D), ABOVE, IS TO BE REPORTED IMMEDIATELY TO CAPITALS AND TO BONN FOR CONSIDERATION OF AN APPROPRIATE RESPONSE, BEFORE THE EC NEGOTIATOR ENTERS INTO A DISCUSSION WITH THE SOVIETS N THE SUBSTANCE OF THE BERLIN ISSUE.

7. THE ABOVE SCENARIO WAS ACCEPTED BY HENZE ON AN AD REF BASIS. HITCH AND BOISSIEU THOUGHT IT WOULD BE ACCEPTABLE TO THEIR CAPITALS BUT WERE ALSO REPORTING IT FOR URGENT CONSIDERATION. THERE WAS UNCERTAINTY IN THE BONN GROUP AS TO WHEN THE NEXT ROUND OF NEGOTIATIONS WOULD COMMENCE.

8. AFTER THE MEETING, BOISSIEU TOLD US PRIVATELY HE AGREED WITH THE FRG THAT OTHER CONTINGENCY STATEMENTS DEFINITELY WERE NEEDED. HE DID NOT WANT TO DISAGREE WITH THE UK REP IN THE MEETING BUT WILL ATTEMPT TO CONVINCE HIM BEFORE THE MARCH 1 BONN GROUP MEETING THAT WE SHOULD GO BEYOND THE ABOVE SCENARIO IN DEVELOPING CONTINGENCY RESPONSES.

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9. COMMENT: AS THE ABOVE SCENARIO IS CONSISTENT WITH THE DEPARTMENT'S INSTRUCTIONS IN STATE 37507, US REP WILL CONTINUE TO SUPPORT IT AT MARCH 1 MEETING UNLESS INSTRUCTED TO THE CONTRARY. WE ALSO AGREE THAT FURTHER CONTINGENCY PLANNING WOULD BE PRUDENT AND WILL PROCEED ACCORDINGLY, IF THE FRENCH BRING THE BRITISH AROUND TO WORKING OUT THE NEXT STEPS.
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